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OFFICE OF PETITIONS

In re Patent No. 7,384,908 :
Application No. 10/049,587 :
Filed: February 12, 2002 :
Issued: June 10, 2008 :
Attorney Docket No. 15280W-0021US :

ON PETITION

This is a decision on the petition filed October 21, 2008, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the first assignee and to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED IN PART**.

The request to correct the first assignee's name from "National Institute of Health" to "The Government of the United States of America as Represented by the Secretary of the Department of Health and Human Services" is granted.

However, the request to add the second assignee's name is dismissed. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but *prior to issuance of a patent*. Patent and Trademark Office assignment records disclose that the Change of Name Assignment was recorded on August 5, 2008, after the date of issuance of this patent.

Accordingly, since the corrective assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction to reflect the addition of the second assignee under the name "Ramot at Tel-Aviv University Ltd." would not be proper. See MPEP Section 307.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction to correct the name of the first assignee only.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on October 21, 2008.

TOWNSEND and TOWNSEND and CREW LLP

By: / Jennifer M. Smolen /
Jennifer M. Smolen

PATENT
Attorney Docket No.: 15280W-002100US
Ramot Ref.: 0019451-00-00
NIH Ref.: E-286-1998/1-US-06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas E. Brenneman *et al.*

Patent No.: 7,384,908 B1

Issued: Jun. 10, 2008

Application No.: 10/049,587

Filed: Feb. 12, 2002

For: ORALLY ACTIVE PEPTIDES
THAT PREVENT CELL DAMAGE AND
DEATH

Customer No.: 45115

Confirmation No. 9701

Examiner: S. H. Standley

Technology Center/Art Unit: 1649

PETITION FOR CORRECTION
UNDER 37 CFR § 3.81(b)

03/05/2009 CKHLOK 00000007 201430 7384908
01 FC:1808 130.00 DA
02 FC:1811 100.00 DA

Mail Stop Petitions
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Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §3.81(b), Applicants submit herewith a Certificate of Correction (PTO/SB/44) to correct the first Assignee's name in the patent, and to add the second Assignee's name in the patent. The errors were made at the time of paying the issue fee, were made without any deceptive intent, and the corrections do not constitute new matter.

Attached hereto is a copy of the recorded assignment for the above-identified application from the inventors to The Government of the United States of America as Represented by the Secretary of the Department of Health and Human Services, and to Ramot – University Authority for Applied Research and Industrial Development Ltd., which was recorded before issuance of the patent. Also attached is a copy of the recorded Change of Name document for Ramot University, changing its' name to Ramot at Tel-Aviv University Ltd. While the

Adjustment date: 03/05/2009 CKHLOK
03/18/2008 INTEFSW 00000598 201430 10049587
01 FC:1811 100.00 CR

Adjustment date: 03/05/2009 CKHLOK
10/21/2008 INTEFSW 000007288 201430 10049587
01 FC:1464 130.00 CR

PATENT

Attorney Docket No.: 15280W-002100US

change of Ramot University's name occurred before issuance of the patent, the Change of Name document was not recorded with the U.S. Patent Office until after issuance.

Applicants request that this Petition be forwarded to the Certificates of Correction Branch, for issuance of a Certificate of Correction, once the Petition is granted.

The Commissioner is authorized to deduct the fee of \$130.00 associated with this submission from the undersigned's Deposit Account No. 20-1430. The \$100.00 fee for the Certificate of Correction was paid on September 17, 2008.

Respectfully submitted,

Date: October 21, 2008

By: / Beth L. Kelly /
Beth L. Kelly
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Attachments
BLK:jms
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